

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

JULEE SCRUGGS,

Plaintiff,

v.

Case Number CV 06-6058-CL

SPECIAL VERDICT

**JOSEPHINE COUNTY; DAVID H. DANIEL;
and JEFF MICHAEL,**

Defendants.

We, the jury, unanimously find:

1. As to plaintiff's 42 U.S.C. § 1983 First Amendment claim against defendant Michael, has plaintiff proven by a preponderance of the evidence that her speaking out against sexual harassment at the Sheriff's Department was a substantial or motivating factor in defendant Michael's recommendation to terminate plaintiff's employment ?

ANSWER: Yes X No

If your answer is "No" to Question Number 1, proceed to Question Number 2. If your answer is "Yes" to Question Number 1, proceed to Question Number 1A.

1A. As to plaintiff's 42 U.S.C. § 1983 First Amendment claim against defendant Michael, has defendant Michael proven by a preponderance of the evidence that he would have reached the same decision to recommend firing plaintiff for a lawful reason even in the absence of plaintiff's protected conduct ?

ANSWER: Yes X No _____

Proceed to Question Number 2.

2. As to plaintiff's 42 U.S.C. § 1983 First Amendment claim against defendant Daniel, has plaintiff proven by a preponderance of the evidence that her speaking out against sexual harassment at the Sheriff's Department was a substantial or motivating factor in defendant Daniel's termination of plaintiff's employment ?

ANSWER: Yes X No _____

If your answer is "No" to Question Number 2, proceed to Question Number 3. If your answer is "Yes" to Question Number 2, proceed to Question Number 2A.

2A. As to plaintiff's 42 U.S.C. § 1983 First Amendment claim against defendant Daniel, has defendant Daniel proven by a preponderance of the evidence that he would have reached the same decision to fire plaintiff for a lawful reason even in the absence of plaintiff's protected conduct ?

ANSWER: Yes X No _____

Proceed to Question Number 3.

3. As to plaintiff's 42 U.S.C. § 1983 First Amendment claim against defendant Josephine County, has plaintiff proven by a preponderance of the evidence that her speaking out against sexual harassment at the Sheriff's Department was a substantial or motivating factor in defendant Josephine County's termination of plaintiff's employment ?

ANSWER: Yes X No

If your answer is "No" to Question Number 3, proceed to Question Number 4. If your answer is "Yes" to Question Number 3, proceed to Question Number 3A.

3A. As to plaintiff's 42 U.S.C. § 1983 First Amendment claim against defendant Josephine County, has defendant Josephine County proven by a preponderance of the evidence that it would have reached the same decision to fire plaintiff for a lawful reason even in the absence of plaintiff's protected conduct ?

ANSWER: Yes X No

Proceed to Question Number 4.

4. As to plaintiff's Title VII and O.R.S. 659A.030 retaliation claims against defendant Josephine County, has plaintiff proven by a preponderance of the evidence that her opposition to sexual harassment was a motivating factor in defendant's decision to discharge her ?

ANSWER: Yes X No

If your answer is "No" to Question Number 4, proceed to Question Number 5. If your answer is "Yes" to Question Number 4, proceed to Question Number 4A.

4A. As to plaintiff's Title VII and O.R.S. 659A.030 retaliation claims against defendant Josephine County, has defendant Josephine County proven by a preponderance of the evidence that it would have reached the same decision to fire plaintiff for a lawful reason even in the absence of plaintiff's protected conduct ?

ANSWER: Yes _____ No X

Proceed to Question Number 5.

5. As to plaintiff's Title VII claim of disparate treatment against defendant Josephine County, has plaintiff proven by a preponderance of the evidence that plaintiff's sex was the sole reason for defendant's decision to fire her ?

ANSWER: Yes _____ No X

If your answer is "Yes" to Question Number 5, do not answer Question Number 5A, 5B, or 5C. If your answer is "No" to Question Number 5, proceed to Question Number 5A.

5A. As to plaintiff's Title VII claim of disparate treatment against defendant Josephine County, has plaintiff proven by a preponderance of the evidence that plaintiff's sex was a motivating factor for defendant's decision to fire her ?

ANSWER: Yes _____ No X

If your answer is "No" to Question Number 5A, do not answer Question Numbers 5B or 5C. If your answer is "Yes" to Question Number 5A, proceed to Question Number 5B.

5B. As to plaintiff's Title VII claim of disparate treatment against defendant Josephine County, has defendant proven by a preponderance of the evidence that its decision to fire plaintiff was also motivated by a lawful reason ?

ANSWER: Yes _____ No _____

If your answer is "No" to Question Number 5B, do not answer Question Number 5C. If your answer is "Yes" to Question Number 5B, proceed to Question Number 5C.

5C. As to plaintiff's Title VII claim of disparate treatment against defendant Josephine County, has defendant proven by a preponderance of the evidence that it would have made the same decision to fire plaintiff even if plaintiff's sex had played no role in defendant's decision to fire plaintiff ?

ANSWER: Yes _____ No _____

Proceed to Question Number 6 only if:

your answer is "Yes" to Question Number 1 and "No" to Question Number 1A; or

your answer is "Yes" to Question Number 2 and "No" to Question Number 2A; or

your answer is "Yes" to Question Number 3 and "No" to Question Number 3A; or

your answer is "Yes" to Question Number 4 and "No" to Question Number 4A; or

your answer is "Yes" to Question Number 5; or

your answer is "Yes" to Question Number 5A and "No" to Question Number 5B or 5C.

If you did not answer these questions as described, do not answer Question Number 6 or 7. Instead, the presiding juror should sign and date this verdict form on page 6.

6. What, if any, are plaintiff's damages ?

Economic Damages

Back Pay (past wages) \$ 120853⁹³

Front Pay (future wages) \$ 12470⁰⁰

Other \$ _____

Noneconomic Damages \$ 50000⁰⁰

If you entered an amount of damages in answer to Question Number 6, proceed to Question Number 7.

7. Answer this question only if your answer is "Yes" to Question Number 1 and "No" to Question Number 1A, or your answer is "Yes" to Question Number 2 and "No" to Question Number 2A, and if you entered an amount of damages in answer to Question Number 6.

Has plaintiff proven by a preponderance of evidence that defendant acted with malice or with oppression or in reckless disregard of plaintiff's federally protected rights, and that punitive damages should be assessed against defendant ?

ANSWER: Yes _____ No _____

If you answered "Yes," what are plaintiff's punitive damages ?

Punitive damages as to defendant Michael \$ _____

Punitive damages as to defendant Daniel \$ _____

DATED this 24 day of November, 2008.